

HOUSE BILL 1833  
By Rinks

AN ACT to amend Tennessee Code Annotated, Section 8-36-211, relative to mandatory retirement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-211, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any Group 1 member, who retires on a service retirement allowance with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(1), shall receive, in addition to that member's service retirement allowance, a supplemental hazardous duty benefit calculated as follows:

For any such member retiring on a service retirement allowance pursuant to § 8-36-201 or on an early service retirement allowance pursuant to § 8-36-301, the supplemental hazardous duty benefit shall be equal to three fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service established while the member was in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(1).

(b) A supplemental hazardous duty benefit shall further be paid to any Group 1 member, who retires on a service retirement allowance with creditable service in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2), if the political subdivision for which the service was rendered adopts a mandatory retirement age requirement pursuant to § 8-36-205. The supplemental hazardous duty benefit shall be calculated as follows:

For any such member retiring on a service retirement allowance pursuant to § 8-36-201 or for any such member retiring on an early service retirement allowance pursuant to § 8-36-301, the supplemental hazardous duty benefit shall be equal to three fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's year of creditable service established while the member was in a Group 1 position covered by the mandatory retirement provisions of § 8-36-205(a)(2).

(c) Notwithstanding subsection (a) or (b), the supplemental hazardous duty benefit shall not exceed twenty-two and one-half percent (22.5%) of the member's average final compensation.

(d) The supplemental hazardous duty benefit covered by the provisions of this section shall not be subject to any cost of living adjustment pursuant to § 8-36-701.

(e) The provisions of §§ 8-36-102 and 8-36-208(a) shall not be construed to reduce or eliminate the supplemental hazardous duty benefit provided by this section, nor shall the supplemental hazardous duty benefit be reduced as a result of any optional retirement allowance selected by the member pursuant to § 8-36-601.

(f) The supplemental hazardous duty benefit shall cease on the first day of the month following the month in which the member dies.

(g) The supplemental hazardous duty benefit provided by this section shall apply to all current and future retired Group 1 members; provided that such benefit shall not be paid retroactively, but shall become effective on July 1, 2005, for service covered under subsection (a) above, or upon the effective date of the mandatory retirement age provision for service covered under subsection (b) above.

(h) All costs associated with providing the supplemental hazardous duty benefit shall be paid by the respective state agencies and political subdivisions for which the service covered by this section was rendered.

SECTION 2. The provisions of this act shall be subject to the funding being provided in the General Appropriations Act.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2005, the public welfare requiring it.